United Nations A/70/960

General Assembly

Distr.: General
22 June 2016
English
Original: Chinese

**General Assembly**
**Seventieth session**
Agenda item 79 (a)
**Oceans and the law of the sea**

## Letter dated 17 June 2016 from the Permanent Representative of China to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit to you herewith China's diplomatic note regarding the letter and its annex dated 18 March 2016 from the Permanent Representative of the Socialist Republic of Viet Nam to the United Nations, addressed to the Secretary-General of the United Nations (A/70/795).

I should be grateful if you would have the present letter and its annex circulated as an official document of the seventieth session of the General Assembly, under agenda item 79 (a).

(*Signed*) **Liu Jieyi**
Permanent Representative of the People's Republic of China
to the United Nations
Ambassador Extraordinary and Plenipotentiary

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## Annex to the letter dated 17 June 2016 from the Permanent Representative of China to the United Nations addressed to the Secretary-General

The Permanent Mission of the People's Republic of China to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to the letter dated 18 March 2016 from the Permanent Representative of the Socialist Republic of Viet Nam to the United Nations addressed to the Secretary-General, has the honour to state China's position as follows:

The sovereignty of China over the Nansha Islands, including Yongshu Reef and the adjacent waters, is indisputable and solidly grounded in history and law. Prior to 1974, Viet Nam had never challenged China's sovereignty over the Nansha Islands and the Xisha Islands; its Government statements, official notes and published maps and textbooks expressly recognize that the Xisha Islands and the Nansha Islands are part of the territory of China. After 1975, Viet Nam has flagrantly violated the basic norms of international relations and breached international law, including the Charter of the United Nations. Not only has it forcibly occupied parts of the reefs of China's Nansha Islands, but has also made illegal territorial claims over China's Xisha Islands, constituting a serious violation of the territorial sovereignty of China. China firmly opposes this and has lodged sustained and long-standing protests and representations.

Following the completion of the airport on Yongshu Reef of China's Nansha Islands, China conducted inspections of and test flights to it from 2 to 6 January 2016 in accordance with relevant international practice and established plans, with the purpose of testing whether the newly-built airport met civil aviation standards. At 17:46 on 28 December 2015, in accordance with the Convention on International Civil Aviation and its corresponding annexes, as well as the respective requirements of Vietnamese and Singaporean Aeronautical Information Publications, the Flight Inspection Centre of the Civil Aviation Administration of China separately submitted substantive technical information regarding its planned inspection flights to the new airport (including aircraft types and registries, flight numbers and routes, and flying altitudes), to the administrative authorities of the Ho Chi Minh and Singapore Flight Information Regions via the Aeronautical Fixed Telecommunication Network system. While Singapore has indicated to China that it promptly received the notification from the Chinese side, Viet Nam contends that it did not receive the notification from the Chinese side. However, following the aforementioned notifications via operational channels, the Chinese side also contacted the Vietnamese diplomatic authorities on 30 December for the express purpose of providing a technical notification and explanatory information. Under these circumstances, the Vietnamese side's claim of not having received the notification is clearly a lie and a pretext for achieving Viet Nam's political aims.

What causes China strong dissatisfaction and deep regret is the Vietnamese disregard for the professional, technical and civilian nature of China's inspections and test flights, which have been conducted in the international public interest, and its politically-motivated refusal to fulfil its obligations and unjustifiable obstruction of China's test flights, thus violating the relevant provisions of the Convention and its annexes and overstepping the scope of its responsibility and authority in administering the flight information region.

In order to ensure the safety and effectiveness of the inspections and test flights concerned, the Government of China decided to upgrade the status of the inspections of and test flights to the newly-built Yongshu Reef to State aviation activities, and requisitioned civil aircraft to carry out those activities. Under relevant international law, State aviation activities are conducted by sovereign States and are not subject to the limitations imposed by the Convention or the relevant regulations of the International Civil Aviation Organization (ICAO). Out of a high sense of responsibility for international civil aviation safety, the inspection and test flight activities were all conducted outside the normal altitude ranges for international civil flights.

The results of China's inspections and test flights have demonstrated that the newly-built airport on Yongshu Reef fully meets civil aviation standards, and can ensure the safe operation of civil aircraft. It will provide a convenient means of transportation for the movement of personnel and emergency aid, and help improve the ability to provide such public services as maritime search and rescue in the South China Sea region.

While firmly upholding its territorial sovereignty and maritime rights and interests in the South China Sea, China is committed to the peaceful settlement of disputes through negotiation and consultation, the management of disputes by establishing rules and mechanisms, and the realization of mutual benefit through development and cooperation. It is committed to safeguarding the freedom of navigation and over-flight as well as peace and stability in the South China Sea, and is dedicated to making the South China Sea a sea of peace, friendship and cooperation.

Thanks to the joint efforts of China and the ASEAN countries, the situation in the South China Sea is currently stable on the whole. China requests the Vietnamese side to comply effectively with international law and its own commitments; respect China's territorial sovereignty and relevant rights and interests; cease its groundless accusations and speculation regarding lawful activities carried out by China within the scope of its sovereignty; respect the Agreement on the Basic Principles guiding the Settlement of Sea Issues between China and Viet Nam, as well as international law, including the Charter of the United Nations. Viet Nam should work with China to implement in good faith the consensus the two sides have reached, properly handle maritime issues, and collectively maintain peace and stability in the South China Sea and the region.

The Permanent Mission of the People's Republic of China
to the United Nations
New York, 17 June 2016